

Introduced by Senator Lowenthal

April 18, 2006

Senate Joint Resolution No. 31—Relative to clean ports.

LEGISLATIVE COUNSEL'S DIGEST

SJR 31, as introduced, Lowenthal. Clean ports.

This measure would memorialize the Secretary of the United States Environmental Protection Agency urging the secretary to adopt federal regulations limiting emissions from marine vessels and locomotives in order to achieve healthful air quality in California and other areas with air quality problems and to encourage the United States Environmental Protection Agency to pursue more protective regulations and incentive programs to reduce substantially the emissions from marine vessels, as provided.

Fiscal committee: no.

1 WHEREAS, California is a global gateway for trade, with
2 more than 40 percent of all of the goods imported to the United
3 States entering through California's ports; and
4 WHEREAS, Growth in the movement of goods through
5 California's ports is projected to double or triple over the next 25
6 years; and
7 WHEREAS, Toxic diesel air pollution from goods movement
8 sources, such as marine vessels and locomotives, will increase in
9 the face of this growth unless more protective international and
10 federal actions are undertaken; and
11 WHEREAS, The International Maritime Organization (IMO),
12 an agency of the United Nations, has established initial
13 smog-forming NOx emissions limitations and fuel sulfur

1 specifications for oceangoing vessels, and the United States
2 Environmental Protection Agency (EPA) has adopted emission
3 standards for new locomotives, new trucks, and some vessels;
4 and

5 WHEREAS, Current international and federal standards
6 governing air pollution from port-related sources are not
7 sufficient to support attainment of federal health- based air
8 quality standards in states with growing emissions from
9 port-related sources; and

10 WHEREAS, Rules adopted by the EPA and the IMO have not
11 adequately reduced emissions from sources associated with the
12 ports, including emissions from marine vessels, harbor craft,
13 cargo handling equipment, locomotives, and trucks; and

14 WHEREAS, The EPA has not regulated emissions from
15 foreign flag vessels. The vast majority of oceangoing vessels
16 calling on local ports, over 90 percent, are foreign flagged. Those
17 emissions have not been regulated by EPA; and

18 WHEREAS, The EPA stated that it will consider adopting
19 emission standards for foreign flag vessels in 2007; and

20 WHEREAS, The IMO emissions and fuel standards for
21 foreign flag vessels are particularly weak. IMO smog-forming
22 NOx standards for new “Category 3” vessels will achieve only a
23 6 percent reduction in emissions. IMO fuel rules allow
24 extraordinarily high levels of sulfur content; and

25 WHEREAS, Federal emission standards for locomotives are
26 relatively lenient. Even the newest locomotives must only
27 achieve a 57 percent reduction in NOx emissions. In contrast,
28 most onroad and stationary sources are controlled to over 90
29 percent. EPA has stated it intends to adopt more stringent
30 locomotive emission standards in 2006; and

31 WHEREAS, Marine vessels, locomotives, and other
32 port-related sources emit substantial and growing quantities of
33 smog-forming nitrogen oxides and other air contaminants; and

34 WHEREAS, Locomotives and marine vessels emit diesel
35 exhaust, a toxic air contaminant; and

36 WHEREAS, Diesel emissions are responsible for 70 percent of
37 the cancer risk from air toxics emissions in California; and

38 WHEREAS, The EPA has listed diesel exhaust as a mobile
39 source air toxic; and

1 WHEREAS, Part or all of 474 counties in 32 states are
2 classified nonattainment for either failing to meet the new
3 eight-hour federal ozone standard or for causing a downwind
4 county to fail to meet that standard; and

5 WHEREAS, One hundred fifty-nine million people nationwide
6 live in areas that do not meet the new eight-hour federal ozone
7 standard; and

8 WHEREAS, All areas of the country could benefit from the
9 reduction in emissions of toxic air contaminants from
10 locomotives, and many areas would benefit from reduction in
11 those emissions from marine vessels; and

12 WHEREAS, Emissions from mobile sources, including
13 locomotives, marine vessels, and aircrafts, are preventing
14 California from achieving state and federal clean air standards;
15 and

16 WHEREAS, The primary responsibility for controlling
17 emissions from locomotives and aircrafts rests with the federal
18 government; and

19 WHEREAS, Federal law mandates that the state adopt rules to
20 attain national ambient air quality standards but preempts state
21 and local ability to regulate some of the most significant
22 pollution sources, including aircraft and new locomotive engines;
23 and

24 WHEREAS, Federal regulations define new locomotive
25 engines to include rebuilt engines so as to prevent state
26 authorities from requiring the use of best available control
27 technologies in the rebuilding of older locomotives; and

28 WHEREAS, Locomotives have extremely long useful lives
29 and older locomotives emit air contaminants at relatively high
30 rates; and

31 WHEREAS, The ability of state and local governments to
32 control emissions from marine vessels is constrained by legal and
33 practical hurdles to regulating sources in international commerce;
34 and

35 WHEREAS, Stringent regulations in California have reduced
36 emissions by over 90 percent from most significant stationary
37 sources and from motor vehicles and other mobile sources under
38 the jurisdiction of state and local authorities in California, but
39 locomotives, marine vessels, and aircrafts have been controlled
40 far less stringently by the federal government and therefore have

1 not achieved their fair share of emission reductions needed to
2 meet state and federal clean air standards; and

3 WHEREAS, Until locomotives, marine vessels, and aircrafts
4 are required to achieve their fair share of emission reductions,
5 other mobile sources such as passenger cars, buses, and
6 commercial trucks, as well as stationary sources, including large
7 and small businesses in California will have to make up the
8 difference; and

9 WHEREAS, The ports have developed ambitious programs
10 and plans but, to date, they have not rolled back emissions or
11 even arrested emissions growth. Both the Port of Los Angeles
12 and the Port of Long Beach have developed emission control
13 programs and plans that will help mitigate air quality impacts,
14 but the fact remains that the ports continue to be sources of
15 singularly large and growing quantities of diesel emissions; now,
16 therefore, be it

17 *Resolved by the Senate and the Assembly of the State of*
18 *California, jointly,* That the Legislature respectfully
19 memorializes the Secretary of the EPA urging the secretary to
20 adopt federal regulations limiting emissions from marine vessels
21 and locomotives in order to achieve healthful air quality in
22 California and other areas with air quality problems; and be it
23 further

24 *Resolved,* That those federal regulations mandate use and
25 improvement of state-of-the-art emission control and prevention
26 technologies at the earliest feasible date, be comparably stringent
27 to state and local air pollution control requirements so that
28 operators of locomotives, marine vessels, and aircrafts contribute
29 their fair share to support air quality attainment plans, and that
30 implement Congress' intent that state and local air quality
31 authorities be allowed to regulate emissions from locomotives
32 after they are placed in use, including rebuilt or remanufactured
33 locomotives; and be it further

34 *Resolved,* That the Legislature respectfully encourages the
35 EPA to pursue more protective regulations and incentive
36 programs to reduce substantially the emissions from marine
37 vessels, including domestic and foreign flagged vessel main and
38 auxiliary engines of all sizes, locomotives, and cargo handling
39 equipment, with the level of emission reductions from
40 port-related sources sufficiently reduced to help regions polluted

1 by trade-related diesel emissions attain federal health-based
2 standards by the dates required by the Clean Air Act, federal
3 regulations, and corresponding State Implementation Plans; and
4 be it further

5 *Resolved*, That the Secretary of the Senate transmit copies of
6 this resolution to the President and Vice President of the United
7 States, to the Speaker of the House of Representatives, to each
8 Senator and Representative from California in the Congress of
9 the United States, to the United States Environmental Protection
10 Agency, to the United States Coast Guard, and to the author for
11 appropriate distribution.